

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**8 U.S.C. Sections 1326(a) and (b) - Deported  
Alien Found in the United States

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

**PENALTY:**20 years imprisonment; \$250,000 fine; 3 years supervised release  
and \$100 special assessment**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

WADE M. RHYNE, AUSA

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

Jose Luis Ochoa-Gutierrez

DISTRICT COURT NUMBER

CR08-0153 DLJ

FILED  
MAR 12 2008  
RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Santa Clara Jail

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

2/29/2008

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS\*☐ WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION  
VENUE: OAKLAND

**FILED**  
MAR 12 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES OF AMERICA,

v.

JOSE LUIS OCHOA-GUTIERREZ (a/k/a Jose Miguel Ochoa, a/k/a Jose Luis Gutierrez, a/k/a Jose Ochoa, a/k/a Julian Ochoa Gutierrez, a/k/a Manuel Ochoa, a/k/a Jose Luis Ochoa-Gutierrez),

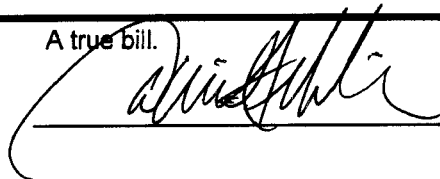
CR08-0153 DLJ

DEFENDANT.

## INDICTMENT

8 U.S.C. §§ 1326(a) and (b) - Deported Alien Found in the United States

A true bill.



Foreman

Filed in open court this 12 day of  
MARCH 2008

Clerk

Bail, \$

Waguel D. Brazil No bail process warrant. 3/12/08

JOSEPH P. RUSSONIELLO (CBN 44332)  
United States Attorney

**FILED**  
**MAR 12 2008**  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**CR08-0153 DLJ**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE LUIS OCHOA-GUTIERREZ  
(a/k/a Jose Miguel Ochoa, a/k/a Jose Luis  
Gutierrez, a/k/a Jose Ochoa, a/k/a Julian  
Ochoa Gutierrez, a/k/a Manuel Ochoa,  
a/k/a Jose Luis Ochoa-Gutierrez),  
  
Defendant.

Criminal No.:

VIOLATION: 8 U.S.C. §§ 1326(a) and (b) –  
Deported Alien Found in the United States

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

1. Prior to March 8, 2003, the defendant, JOSE LUIS OCHOA-GUTIERREZ (a/k/a Jose Miguel Ochoa, a/k/a Jose Luis Gutierrez, a/k/a Jose Ochoa, a/k/a Julian Ochoa Gutierrez, a/k/a Manuel Ochoa, a/k/a Jose Luis Ochoa-Gutierrez), was convicted of at least one felony crime punishable by a term of imprisonment exceeding one year.

2. On or about March 8, 2003, the defendant, JOSE LUIS OCHOA-GUTIERREZ

INDICTMENT

(a/k/a Jose Miguel Ochoa, a/k/a Jose Luis Gutierrez, a/k/a Jose Ochoa, a/k/a Julian Ochoa Gutierrez, a/k/a Manuel Ochoa, a/k/a Jose Luis Ochoa-Gutierrez), was removed, excluded, and deported from the United States.

3. After March 8, 2003, the defendant, JOSE LUIS OCHOA-GUTIERREZ (a/k/a Jose Miguel Ochoa, a/k/a Jose Luis Gutierrez, a/k/a Jose Ochoa, a/k/a Julian Ochoa Gutierrez, a/k/a Manuel Ochoa, a/k/a Jose Luis Ochoa-Gutierrez), knowingly and voluntarily reentered and remained in the United States.

4. On or about February 23, 2008, in the Northern District of California, the defendant, JOSE LUIS OCHOA-GUTIERREZ (a/k/a Jose Miguel Ochoa, a/k/a Jose Luis Gutierrez, a/k/a Jose Ochoa, a/k/a Julian Ochoa Gutierrez, a/k/a Manuel Ochoa, a/k/a Jose Luis Ochoa-Gutierrez), an alien, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and (b).

//

DATED: March 12, 2008

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
W. DOUGLAS SPRAGUE  
Chief, Oakland Branch

(Approved as to form:   
AUSA WADE M. RHYNE